

ASSEMBLY BILL

No. 1687

Introduced by Assembly Member Brownley

February 23, 2007

An act to add Section 5328.03 to the Welfare and Institutions Code, relating to confidential information.

LEGISLATIVE COUNSEL'S DIGEST

AB 1687, as introduced, Brownley. Mental health and developmental services: confidential information.

Under the Lanterman-Petris-Short Act, all information and records obtained in the course of providing services relating to individuals with developmental disabilities and individuals with mental illness are confidential, except under prescribed conditions, including, but not limited to, the release of information and records to governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families, and the courts as necessary to the administration of justice.

This bill would require, if a service provider determines that the disclosure of information and records of a child in the custodial care of the county is necessary to prevent serious harm to that child or others, information and records relating to the diagnosis, treatment, participation in counseling, and other information obtained in the course of providing services to that child to be disclosed to a county social worker, probation officer, or custodial caregiver. The bill would also provide that the disclosure of information and records pursuant to these provisions is not intended to limit the disclosure of information and records subject to a valid authorization or when disclosure is required by law, or prohibit an existing disclosure of information and records by a claim of

privileged or confidential information when a court of competent jurisdiction orders a mental health examination or treatment.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5328.03 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 5328.03. (a) Notwithstanding Section 5328, if a service
- 4 provider determines that the disclosure of information and records
- 5 of a child in the custodial care of the county is necessary to prevent
- 6 serious harm to that child or others, information and records
- 7 relating to the diagnosis, treatment, participation in counseling,
- 8 and other information obtained in the course of providing services
- 9 to that child shall be disclosed to a county social worker, probation
- 10 officer, or custodial caregiver.
- 11 (b) The disclosure of information and records pursuant to this
- 12 section is not intended to do any of the following:
- 13 (1) Limit the disclosure of information and records subject to
- 14 a valid authorization or when disclosure is required by law.
- 15 (2) Prohibit an existing disclosure of information and records
- 16 by a claim of privileged or confidential information when a court
- 17 of competent jurisdiction orders a mental health examination or
- 18 treatment.